(57)

HIGH COURT OF JUDICATURE AT BILASPUR, CHHATTISGARH

SINGLE BENCH: HON'BLE SHRI S.R. NAYAK, CJ.

WRIT PETITION NO. 2237 OF 2006

PETITIONER

Smt. Manni Bai, W/o. Shri Banshidhar, aged about 32 years, Sarpanch, Gram Panchayat Karra, Block Masturi, District Bilaspur (CG) r/o. Village Karra, Block Masturi District Bilaspur (CG).

Vs.

RESPONDENTS

1. The State of Chhattisgarh, Through The Panchayat Social Welafare Department, Chhattisgarh, D.K.S. Building, Raipur (C.G.)
2. Prescribed Authority/Sub Diviaional Officer, ®, Bilaspur (CG).
3. Sub Divisional Officer, (Revenue), Bilaspur, Tahsil and District Bilaspur (CG).
4. Chief Executive Officer, Janpad Panchayat, Masturi, District Bilaspur (CG).
5. Shri S.S. Dubey, Naib Tahsildar, Sipat, District Bilaspur (CG).
6. Smt. Lata Devi Kaushik, Up-Sarpanch, Gram Panchayat, Karra, Block Masturi, District Bilaspur (CG)
7. Suresh, Panch, Gram Panchayat, Karra, Block Masturi, District Bilaspur (CG).
8. Kanwal Prasad, Panch, Gram Panchayat, Karra, Block Masturi, District Bilaspur (CG).
9. Ude Ram, Panch, Gram Panchayat, Karra, Block Masturi, District Bilaspur (CG).
10. Ram Prasad, Panch, Gram Panchayat, Karra, Block Masturi, District Bilaspur (CG).
11. Ram Khilawan, Panch, Gram Panchayat, Karra, Block Masturi, District Bilaspur (CG).
12. Itwari Ram, Panch, Gram Panchayat, Karra, Block Masturi, District Bilaspur (CG).
13. Raj Kumari, Panch, Gram Panchayat, Karra, Block Masturi, District Bilaspur (CG).
14. Smt. Lalita, Panch, Gram Panchayat, Karra, Block Masturi, District Bilaspur (CG).

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15. Usha, Panch, Gram Panchayat, Karra, Block Mąsturi, District Bilaspur (CG).
16. Mani Ram, Panch, Gram Panchayat, Karra, Block Masturi, District Bilaspur (CG).
17. Raj Kumar Kaushik, Panch, Gram Panchayat, Karra, Block Masturi, District Bilaspur (CG).
18. Savitri, Panch, Gram Panchayat, Karra, Block Masturi, District Bilaspur (CG).
19. Ramcharan Kaushik, Panch, Gram Panchayat, Karra, Block Masturi, District Bilaspur (CG).
20. Gariba, Panch, Gram Panchayat, Karra, Block Masturi, District Bilaspur (CG).
21. Dukhwa, Panch, Gram Panchayat, Karra, Block Masturi, District Bilaspur (CG).
22. Ramshila, Panch, Gram Panchayat, Karra, Block Masturi, District Bilaspur (CG).
23. Hira Singh, Panch, Gram Panchayat, Karra, Block Masturi, District Bilaspur (CG).
24. Kumari Bai, Panch, Gram Panchayat, Karra, Block Masturi, District Bilaspur (CG).
25. Banshidhar Verma, Panch, Gram Panchayat, Karra, Block Masturi, District Bilaspur (CG).

Present: Shri Garry Mukhopadhya, learned counsel for the petitioner.
Shri Utkarsh Verma, learned Dy. G.A. for the State.

ORAL ORDER
(Passed on 28th April, 2006)

The petitioner was the Sarpanch of Gram Panchayat, Karra, Block Masturi, District Bilaspur. "No confidence motion" signed by 17 members of the Gram Panchayat was submitted to the Prescribed Authority, namely, Sub Divisional Officer (Revenue), Bilaspur. Taking cognizance of the said no confidence motion moved by 17 out of 21 members of the Gram Panchyat, the 2nd respondent issued notice on 18.04.2006 convening the meeting at 11.00 a.m. on 02.05.2006 at Primary School

Building, Karra. At that stage, this writ petition was filed seeking intervention of the Court.

(2) I heard learned counsel for the petitioner and learned Dy. Govt. Advocate for the State. It was contended by learned counsel for the petitioner that no confidence motion submitted by the 17 members of the Gram Panchayat is not in conformity with sub-Rule (1) of Rule 3 of the Chhattisgarh Gram Panchayat Avishwas Prasthav Niyam, 1994 (for short the 'Niyam'); the 2nd respondent did not verify the genuineness of the no confidence motion and it was in fact signed by 18 persons and not 17 persons. It was also contended by the learned counsel that the notice dated 18.04.2006 (Annexure-P/9) issued by the 2nd respondent is also not in conformity with the Rules. None of the above contentions are well - founded. No confidence motion was signed by as many as 17 members out of 21 members of the Gram Panchayat. It is not the case of the petitioner that 17 members of the Gram Panchayat did not subscribe to the no confidence motion. Therefore, whether it is signed by 17 or 18 members would not make any difference with regard to the merit of the case. Be that as it may, even the order-sheet maintained by the second respondent produced in the writ petition would also show that if Up-Sarpanch is also included, the total number of the members who have subscribed their signatures to the no confidence motion would become 18.

(3) I have perused Annexure-P/9 dated 18-04-2006. It is in substantial conformity with the requirement of sub-Rule (3) of Rule 1. Annexure-P/9 mentions fixed time and date of the meeting as well as venue of the meeting. It also clearly mentions the agenda for the meeting. There is no merit in the writ petition. Writ petition is accordingly dismissed. No costs.

Sd/-
Chief Justice